

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes

November 3, 2006

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, November 3, 2006 from 12:00 noon until 3:00 p.m.

1. Members present. Robert R. Aylsworth, Mary Beth Bonaventura, John Jay Boyce, W. Timothy Crowley, Deborah A. Domine, Roger L. Duvall, Marilyn A. Moores, Lynn Murray, Brett J. Niemeier, Loretta H. Rush, and Charles F. Pratt, Chair.
2. Staff present. Jeffrey Bercovitz and Anne Jordan provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on October 6, 2006 were approved.
4. Guests present. John Ryan, General Counsel, Department of Child Services (DCS); Wendy V. Yerkes, Deputy Director of Child Support (DCS) and John Wood, Deputy General Counsel, DCS; and Don Travis, CPO, Howard County, were also present.
5. Juvenile judge orientation. Committee members made the following suggestions about the juvenile judge orientation conducted by the Judicial Center:
 - a. Include information about advice of rights
 - b. Use mock hearings
 - c. Focus more on CHINS and Termination
 - d. Discuss initial hearings
 - e. Explain reasonable efforts determination and their importance
 - f. Give the top ten (10) issues in CHINS and Termination from case law
 - g. Use a flowchart to illustrate juvenile proceedings
 - h. Key discussion to benchbooks
 - i. Explore the proactive role of the juvenile court
6. Presentation on proposed juvenile legislation. John Ryan, General Counsel, Department of Child Services (DCS); Wendy V. Yerkes, Deputy Director of Child Support (DCS) and John Wood, Deputy General Counsel, DCS gave a presentation on proposed juvenile legislation concerning repeal of the Early Intervention Planning Council, combination of initial and detention hearings, elimination of service referral agreements, appointment of county directors by Department of Child Services not Department of Family Resources, collection of a new \$25.00 fee for child support cases, requirement of a periodic review of child support amounts, requirement of a medical support order in every child support order, and enforcement of the medical support, immediate income withholding as soon as child support is ordered, and moving domestic violence employees at FSSA to DCS.

7. Full-time DCS attorneys. John Ryan explained to committee members the process involved in converting contract attorneys in the various counties to full-time DCS attorneys. He stated it would cost more to have full-time attorneys rather than contract attorneys. He also reported on training efforts for attorneys. He explained it was done in two phases. Phase I included hiring attorneys at the central office, Lake, Marion, Allen and 15 other counties. The full-time attorneys would help in individual cases and support the growing number of caseworkers. Phase II would increase the number of full-time attorneys from 56 to 100. Members of the committee expressed concern about keeping qualified attorneys when adequate pay may be a concern, the need for leadership at the central office, the reluctance to ask for continuances and other issues.

8. State funding of children's services.

a. John Ryan gave an overview of discussions Senator Kenley convened this summer about state funding for children's services. He said Judge David discussed a few issues that were right on point with DCS and others where they were not far apart. He stated this might get lost with the discussion of funding for full-time kindergarten. He represented the proposal for a presumption favoring caseworkers' "appropriate dispositional plan" as was included in HB 1001, is not a position the DCS will take or support in the 2007 legislative session.

b. Jeffrey Bercovitz stated Court Improvement Program funding might be tied to a state court rule requiring notice and opportunity to be heard for foster parents and preadoptive parents.

c. John Ryan indicated the state must first spend monies and then be reimbursed by the federal government under CAPTA. He said Mary Edmunds is working on procedures to get CAPTA monies to the state and counties for GAL/CASAs.

d. Jeffrey Bercovitz distributed a recent email from Director James Payne about Regional Service Councils and a response from Judge Welch, Monroe Circuit Court.

9. Other legislation.

a. Jeffrey Bercovitz distributed a proposal from Judge Sims permitting (not requiring) Clerks to collect informal adjustment fees from juveniles. Committee agreed by consensus to support this legislation as long as the Clerk could elect whether or not to collect the money and could also collect a 3% fee as is permitted for probation user fees.

b. Jeffrey Bercovitz distributed minutes from the Commission on Mental Health, which included (a) proposed legislation to permit sharing of mental health reports between facilities where an adult is incarcerated and a mental health service provider and (b) revised draft legislation concerning a juvenile's right against self-incrimination when answering questions concerning their mental health. Judge Rush agreed to contact LSA about including juveniles in the sharing of mental health reports if a juvenile is incarcerated.

10. Other.

a. Judge Moores distributed information about the Indiana's National Guard Youth Challenge for high school dropouts beginning in July 2007.

b. Committee members agreed Judge Moores and Magistrate Staggs should serve on the advisory board for the grant received by the Civil Rights of Children Committee for the pilot project using the MAISI-2 screening instrument in juvenile detention centers. Judge Bonaventura also agreed to serve on this committee.

c. Jeffrey Bercovitz distributed newspaper articles from October 6 - November 1, 2006 to committee members.

11. Next meeting dates. Committee members agreed to meet again on the following dates: January 5, February 2, March 2, May 4, and June 1, 2007; all from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center,

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Services